



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3446

Introduced 11/9/2016, by Sen. Andy Manar

SYNOPSIS AS INTRODUCED:

5 ILCS 420/1-103.5 new
5 ILCS 420/3A-50 new

Amends the Illinois Governmental Ethics Act. Prohibits certain executive branch appointees from using official authority or influence for the purpose of interfering with or effecting the result of an election. Provides for penalties for violation of the restricted political activity by executive branch appointees. Provides that nothing in the applicable provisions prevents an affected appointee from taking an active part in political management or in political campaigns, or prevents an affected appointee from exercising the right to vote as he or she chooses, and to express his or her opinion on political subjects and candidates. Defines "affected appointee".

LRB099 23594 RJF 51083 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Governmental Ethics Act is amended
5 by adding Sections 1-103.5 and 3A-50 as follows:

6 (5 ILCS 420/1-103.5 new)

7 Sec. 1-103.5. "Affected appointee" means the following:

8 (a) any director, secretary, assistant director, assistant
9 secretary, deputy director, or deputy secretary of any agency
10 or department of State government created by statute, who is
11 appointed by the Governor and whose appointment requires the
12 advice and consent of the Senate; or

13 (b) any director, secretary, assistant director, assistant
14 secretary, deputy director, or deputy secretary of any agency
15 or department of State government created by Executive Order of
16 the Governor, who is appointed by the Governor and whose
17 appointment requires the advice and consent of the Senate.

18 (5 ILCS 420/3A-50 new)

19 Sec. 3A-50. Executive branch political activity.

20 (a) No affected appointee, as defined in Section 1-103.5 of
21 this Act, may use his or her official authority or influence
22 for the purpose of interfering with or affecting the result of

1 an election.

2 (b) A person who intentionally violates any provision of
3 subsection (a) is guilty of a business offense and subject to a
4 fine of at least \$1,001, but no more than \$5,000. The Executive
5 Ethics Commission may levy an administrative fine of no more
6 than \$5,000 against any person who: (1) violates any provision
7 of subsection (a); (2) intentionally obstructs or interferes
8 with an investigation conducted under this Section; or (3)
9 intentionally makes a false, frivolous, or bad faith
10 allegation. In addition to any other penalty that may apply, an
11 affected appointee who intentionally violates any provision of
12 subsection (a) is subject to discipline or discharge by the
13 Governor.

14 (c) Subject to the provisions of subsection (a) of this
15 Section, nothing in this Section prevents an affected appointee
16 from taking an active part in political management or in
17 political campaigns, or prevents an affected appointee from
18 exercising the right to vote as he or she chooses and to
19 express his or her opinion on political subjects and
20 candidates.